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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,943	03/16/2001	Ralf Oestreicher	60,426-268	7794

24500 7590 04/22/2003

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
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EXAMINER  
PIPALA, EDWARD J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/810,943</b>	Applicant(s) <b>Oestreicher</b>
Examiner <b>Edward Pipala</b>	Art Unit <b>3661</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Jan 21, 2003.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 36-73 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 36-55 and 58-73 is/are rejected.
- 7)  Claim(s) 56 and 57 is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on Apr 12, 2002 is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

This Office Action is in response to Applicant's amendments and remarks filed 1-21-03, in which new claims 56 - 73 have been added, accordingly claims 36 - 73 are now pending.

### ***Interference***

Claims 36-40 of this application has been copied by the applicant from U. S. Patent No. 6,039,344. This claim is not patentable to the applicant because of the following rejections.

An interference cannot be initiated since a prerequisite for interference under 37 CFR 1.606 is that the claim be patentable to the applicant subject to a judgement in the interference.

However, a notice has been placed in the file wrapper of Patent No. 6, 039,344 at this time indicating that an Interference has been sought concerning the claims contained therein.

### ***Allowable Subject Matter***

Claims 56 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-55 and 58-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over the published Research Disclosure 39916, in view of Gagnon (P.N. 5,810,392).

The research disclosure teaches a weight sensing occupant restraint system utilizing load cell technologies wherein (as shown in figure 1 thereof), four load cells are attached between the seat frame and the seat track at the mounting points such that the load cells respond to the normal loads being exerted on the seat track allowing measurement of the weight of the seat and the seat occupant. The voltages from the four load cells (placed bear the four corners of the seat pan) are processed by the weight sensing module to read the total weight of the occupant, determine the center of mass of the occupant, and are then used to switch the airbags (occupant protection device) completely off or otherwise tailor the deployment characteristics, thereof.

The above research disclosure does not particularly teach the use of weight sensor assemblies in the form of a strain gauge.

Gagnon similarly discloses a seat occupant weight sensing system in which load cells are interdisposed between a rigid member and a seat pan such that the weight supported by the seat can be measured, and in which information derived therefrom is subsequently used to control activation and operation of a safety device such as an air bag or seatbelt pretensioner. More

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particularly, in column 5, lines 51-53 Gagnon further teaches that each sensor may be for example a strain gauge, a load cell, or a variable resistance pressure sensor. It is known that common strain gauges require a deflectable member for holding the gauge itself.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the use of strain gauges mounted on deflectable mounting structures as taught by Gagnon, in place of the load cells used by the weight sensing and occupant restraint system of the research disclosure, since each can be used to determine a force or load (weight) exerted by an occupant of the seat.

***Response to Arguments***

Applicant's arguments filed 1-21-03 have been fully considered but they are not persuasive. The examined has thoroughly reviewed the prior art used in the above rejection and only sees the subject matter relating to the specific placement and location of the sensors as recited in newly filed dependent claims 56 and 57 as having patentable features over and above the prior art of record.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is (703) 305-9785. The examiner can normally be reached on Monday through Thursday from 7:30 to 6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:** (703) 305-7687, (for formal communications intended for entry)

Hand-delivered responses should be brought to 5 Crystal Park, 2451 Crystal Drive, Arlington,  
VA., Seventh Floor (Receptionist).



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